IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2009 OF 2004

IN

SUIT NO.1620 OF 2004

...

Dr.Divakar Pholchand Gupta ...Plaintiff

v/s.

Bhaskar Phoolchand Gupta
and ors. ...Defendants

...

Mr.N.B. Jadhav for the Plaintiff.

Defendant No.2 in person.

...

CORAM: D.K.DESHMUKH, J.

DATED: 29TH APRIL,2005

P.C.:

By this Notice of Motion, the Plaintiff is seeking interim order in relation to two flats. One is flat No.A/2, Bombay Suburban District Government Servants Co.operative Housing Society Ltd., at survey No.14-A, Opp. Vijaya Bank R.C.Marg, Chembur, Bombay- 400 071. So far as that flat is concerned, Defendant No.2 states that he is in possession of that flat and that without seeking leave of the Court he will not transfer, alienate, create third party rights or part with possession of that flat.

In view of this statement, no interim order is necessary in relation to that flat.

2. So far as flat No. 5, Leela Villa, N.g. Acharya Marg, Chembur, Bombay- 400 071 is concerned, admittedly the deceased Phoolchand was the tenant of that flat. Therefore, this court would not have the jurisdiction to entertain the suit in relation to that flat. Therefore no interim order can be passed in relation to that flat. Notice of Motion disposed

of.

...